



# ARIZONA HOUSE OF REPRESENTATIVES

Fifty-fifth Legislature  
Second Regular Session

House: APPROP DP 8-5-0-0

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## **HB 2860: criminal justice; 2022-2023**

**Sponsor: Representative Cobb (with permission of committee on Rules), LD 5**  
**House Engrossed**

### **Overview**

Contains provisions relating to criminal justice needed to implement the FY 2023 budget.

### **History**

The Arizona Legislature adopts a budget for each fiscal year (FY) that contains general appropriations. [Article IV, Section 20, Part 2](#), Constitution of Arizona, requires the General Appropriations Act (feed bill) to contain only appropriations for the different state departments, state institutions, public schools and interest on public debt. Statutory changes necessary to reconcile the appropriations made in the feed bill and other changes are drafted into separate budget bills. These bills are prepared according to subject area.

### **Provisions**

#### ***Anti-Human Trafficking Grant Fund***

1. As permanent law, establishes the *Anti-Human Trafficking Grant Fund* (Fund), consisting of legislative appropriations. (Sec. 1)
2. Directs the Department of Emergency and Military Affairs to administer the Fund and distribute monies in the Fund to programs that reduce human trafficking in this state. (Sec. 1)
3. Outlines eligibility requirements for programs to receive Fund monies. (Sec. 1)
4. Specifies that the Fund is continuously appropriated and the monies are exempt from lapsing. (Sec. 1)

#### ***Department of Public Safety***

5. As permanent law, establishes a *Major Incident Division* (MID) within the Department of Public Safety (DPS). (Sec. 3, 5)
6. Outlines the selection criteria for the Superintendent of the MID and outlines the duties of the MID Superintendent. (Sec. 5)
7. Outlines the required skills, training and employment background of investigators used by the MID. (Sec. 5)
8. Directs the MID to conduct independent investigations of critical force incidents or, at the written request of a chief of police or county sheriff, to investigate a criminal allegation against a peace officer employed by the requesting law enforcement agency. (Sec. 5)
9. Requires each law enforcement agency in this state to have the MID, a regional law enforcement task force or another law enforcement agency to perform the investigation of any critical force incident. (Sec. 5)

10. As permanent law, removes the Peace Officers' Training Fund as a recipient of the Criminal Justice Enhancement Fund (CJEF) distribution and reallocates the monies to all other CJEF recipients. (Sec. 4, 6)
11. Defines *critical force incident*. (Sec. 5)
12. Contains a delayed effective date of July 1, 2025, for the establishment of the MID. (Sec. 10)

***State Aid for Juvenile Dependency Proceedings Fund***

13. As permanent law, establishes the *State Aid for Juvenile Dependency Proceedings Fund* (Fund), consisting of legislative appropriations. (Sec. 7, 8)
14. Directs the Arizona Criminal Justice Commission (ACJC) to administer the Fund. (Sec. 7, 8)
15. Directs ACJC to distribute monies from the Fund to each eligible county in which the three-year average of the total juvenile dependency case filings in the superior court in the county exceeds the three-year average juvenile dependency case filing in the superior court of the county for FYs 2013-2015, based on the proportional share of the increase in petitions for each county. (Sec. 7)
16. Requires the board of supervisors to separately account for the monies distributed and only spend the monies for the purposes specified. (Sec. 7)
17. States the Fund is used to provide state aid to county public defenders, legal defenders and contract indigent defense counsel for the processing of juvenile dependency cases. (Sec. 7)
18. Specifies that the Fund is continuously appropriated and the monies are exempt from lapsing. (Sec. 1)

***Attorney General***

19. As session law, states the attorney general may compensate counsel appointed in suits to enforce state or federal statutes pertaining to antitrust, restraint of trade, or price-fixing activities or conspiracies at a rate that may exceed \$50 per hour. (Sec. 9)

***Community Treatment Program***

20. Requires the Arizona Department of Corrections (ADC) to establish a community treatment program for imprisoned women and their children. (Sec. 2)
21. Requires ADC to contract with an experienced non-profit to establish and operate a community treatment center. (Sec. 2)
22. Authorizes ADC to transfer a woman who has recently given birth to the community treatment center to live with her child or children. (Sec. 2)
23. Requires ADC to adopt rules and eligibility requirements for the community treatment program. (Sec. 2)
24. Specifies that the community treatment center must provide the least restrictive alternative to incarceration and restraint possible. (Sec. 2)
25. Outlines the programs and support services that the community treatment center must provide to mothers and children. (Sec. 2)
26. Requires the contracted non-profit entity to provide pediatric care and outlines mandated standards and requirements. (Sec. 2)
27. Requires ADC to place up to 20 women in the program in the first year, subject to the availability of monies, and in subsequent years ADC must place up to 50 women in the program, subject to the availability of monies. (Sec. 2)

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28. Prescribes inmate eligibility requirements to participate in the program. (Sec. 2)
29. Stipulates that children residing at the community treatment center are not subject to the security restrictions of the inmate except as necessary to ensure the child's safety, facility security and compliance with program rules. (Sec. 2)

***Miscellaneous***

30. Makes technical and conforming changes. (Sec. 4, 5, 6, 7, 8)